UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/813
S/1995/1030
12 December 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 30
COOPERATION BETWEEN THE UNITED NATIONS
AND THE ORGANIZATION FOR SECURITY
AND COOPERATION IN EUROPE

SECURITY COUNCIL
Fiftieth year

Letter dated 11 December 1995 from the Permanent Representative of Hungary to the United Nations addressed to the Secretary-General

I have the honour to forward herewith the text of the Chairman's summary as well as the decisions of the fifth meeting of the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE) held in Budapest on 7 and 8 December 1995.

I would be grateful if you had the present letter and its annexes circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(Signed) István NÁTHON
Permanent Representative

95-39894 (E) 131295 151295

/...

Annex I

CHAIRMAN'S SUMMARY

In 1995 the OSCE built upon its impressive record, broke new ground in many areas, increased its quick reaction capabilities and consolidated its organizational structures. Reviewing the implementation of OSCE commitments has become a regular feature of OSCE activities. The OSCE began work on a security model for the next century and intensified its dialogue and practical co-operation with other international organizations and NGOs. In August we celebrated the twentieth anniversary of the signing of the Helsinki Final Act. Most recently, the OSCE's importance as an international body was confirmed by the invitation in the Dayton Agreement for the OSCE to play a key role in building peace in former Yugoslavia.

At this Ministerial Council Meeting of the OSCE, Ministers focused on the historic challenge presented to the OSCE by the Dayton Agreement, which they welcomed. They decided:

- that the OSCE will supervise the preparation, conduct and monitoring of elections in Bosnia and Herzegovina, certifying when conditions will permit elections to take place;

- that the OSCE will closely monitor human rights throughout Bosnia and Herzegovina and will appoint an international human rights Ombudsman; and

- that the OSCE will assist the parties in their negotiations on arms control and confidence- and security-building and in the implementation and verification of resulting agreements, as foreseen by the Dayton Agreement, with the aim of promoting long-term stability through lower and verified levels of armaments.

The Ministers also discussed and welcomed the OSCE's intensive, ongoing work on a common and comprehensive security model for Europe for the twenty-first century. They decided on objectives, guidelines and organization for future work on a security model.

Agreement on basic principles for the resolution of the Nagorno-Karabakh conflict continued to prove elusive. The Ministers welcomed the recent progress reported by the Co-Chairmen of the Minsk Group, which continues to be the sole forum for resolving this conflict. The Minsk Group has in the past month encouraged the parties to make progress. Commitments were expressed to establish direct contact to discuss the resolution of the conflict. In support of the efforts of the Minsk Process, the Chairman-in-Office appointed his Personal Representative. The High-Level Planning Group completed preparatory work on the planning of an envisaged peacekeeping operation. Conditions which would allow the deployment of such an operation are, however, still lacking.

The Ministerial Council praised the work of the OSCE's missions and other field operations. In 1995 the OSCE established a long-term presence in Chechnya. The OSCE Assistance Group there has played a role in mediating between the warring parties in a continuing conflict. The Assistance Group has achieved considerable success by developing a framework for negotiations between the parties and playing the role of facilitator in the subsequent military agreements. Its continued involvement in the human rights field will be crucial in the period to come.

As part of the OSCE activities in Bosnia and Herzegovina, the OSCE appointed the Ombudsmen of the Federation at the beginning of this year. Support for the Ombudsmen, whose work has been highly praised, represents a new kind of OSCE involvement in the promotion of human rights. It will be important to build upon the experience gained by the Ombudsmen in the OSCE's future operations in Bosnia.

OSCE Missions continue to provide important expert advice on the drafting and implementation of new constitutions, as in Georgia and Tajikistan. In some cases this work has provided helpful input on questions of regional status and autonomy or other forms of local self-government in national legislation. The Missions in Ukraine and Moldova have been particularly active on such matters in the past year. The Missions in Latvia and Estonia are providing assistance with issues of implementing legislation. Missions are also involved in assisting with the implementation of bilateral agreements. One case in which such assistance has been welcomed by all parties concerned is the Skrunda radar agreement between Latvia and the Russian Federation. A similar role for the OSCE was foreseen in the Budapest Summit decisions in relation to the Russian-Moldovan agreement on the withdrawal of the Russian troops from the eastern part of Moldova. The recent OSCE decision on Moldova represents important progress and should lead to increased transparency regarding all aspects of the withdrawal process, thereby creating an environment conducive to a long-awaited political settlement.

The Mission in Skopje helps to serve as a confidence-building instrument and is at the host government's disposal in tackling issues ranging from education to minorities and economic development.

Croatian Foreign Minister Granić invited the OSCE to establish a long-term presence in Croatia. Two OSCE missions have visited Croatia, and discussions are under way in Vienna on the basis of their recommendations. The objective of OSCE involvement in Croatia would be to assist central and local authorities in building democracy, protecting human and minority rights and promoting the safe return of refugees. Through these efforts the OSCE can help promote the peaceful reintegration of formerly occupied territories.

The OSCE continued its focus on Kosovo, Sandjak and Vojvodina. The human rights abuses there, especially in Kosovo, underline the urgent need for the return of the long-duration missions.

Executive action by the Chairman-in-Office, given broader scope by the Budapest Summit decision, enabled the OSCE to take rapid action in response to a number of developments.

The High Commissioner on National Minorities successfully continued his quiet diplomacy throughout the year and continues to be one of the most important parts of the OSCE's preventive diplomacy network. The Ministerial Council renewed Mr. Max van der Stoel's appointment for a further three-year term.

The Office for Democratic Institutions and Human Rights has been receiving an increasing number of requests for its expertise from missions and participating States. It can

only continue to cope successfully with the ever increasing demands placed upon it if its resources are increased.

The discussions of the OSCE Parliamentary Assembly contributed to the work of the Permanent Council.

The OSCE strengthened its inter-institutional links with other international organizations both through dialogue and through co-operation in the field. Practical co-operation was also initiated with a number of NGOs.

The OSCE continued its active support for human rights and fundamental freedoms throughout the region. It also devoted increased attention to the economic aspects of security. Both Human and Economic Dimension issues featured more regularly in the daily work of the OSCE during 1995, reflecting the OSCE's comprehensive approach to security.

The Pact on Stability in Europe, with its Baltic and Central European tables, was passed to the OSCE. Discussions continue in the OSCE on sustaining and, when possible, expanding the efforts initiated by the Pact, building upon the regional approach it offered.

In the course of 1995 increased dialogue, in regularly held meetings of an informal, open-ended contact group in Vienna as well as in other fora, and an OSCE seminar in Cairo contributed to the development of the OSCE's relationship with the Mediterranean Partners for Co-operation.

1995 was a crucial year in arms control. Parties to the CFE Treaty completed the destruction of over 50,000 tanks and other heavy weapons. However, some problems of implementation persist. The parties to the Treaty recently reached agreement on the principal elements of a solution to the flank issue that preserves the integrity of the Treaty. There is an urgent need to reach agreement on the basis of those elements.

The OSCE Forum for Security Co-operation worked on an Arms Control Framework outlining future arms control priorities. In spite of expectations that the Framework would be concluded by the time of the Ministerial Council Meeting, further negotiations are required.

The Ministerial Council was pleased to welcome the former Yugoslav Republic of Macedonia as an OSCE participating State.

The Ministerial Council welcomed Switzerland as the incoming Chairman-in-Office, whose term will begin on 1 January 1996, and decided that the Chairmanship in 1997 would be held by Denmark.

Annex II

DECISION ON OSCE ACTION FOR PEACE, DEMOCRACY AND STABILITY IN BOSNIA AND HERZEGOVINA

(MC(5).DEC/1)

1. The Ministerial Council welcomes and supports the General Framework Agreement for Peace in Bosnia and Herzegovina initialled on 21 November 1995 and to be signed in Paris on 14 December 1995. In that historic Agreement, the Parties to this tragic conflict call on the OSCE to help ensure that its promise is fulfilled. On behalf of the OSCE, the Council accepts the tasks foreseen in the Agreement and its Annexes.

2. The Parties have requested the OSCE to supervise the preparation and conduct of free and fair elections in Bosnia and Herzegovina. This task is extremely important to ensure a democratic future for that country. The OSCE will also monitor - as requested - the human rights situation in Bosnia and Herzegovina.

3. The Parties have requested the OSCE to help guide the negotiating process to bring about regional stability, to build mechanisms to increase confidence and security, and to establish limitations on the weapons of war. These tasks are essential for a durable peace.

4. The OSCE will be working in concert with a wide range of institutions of the international community. Ministers are fully aware of the considerable demands which will be made upon the international community, including private organizations, in fields such as the needs of the population at the onset of winter, the return of refugees to their country and place of origin, the economic reconstruction and the establishment of a civic society. Participating States will make all efforts to meet these needs to the best of their abilities.

5. The Ministers recognize that the OSCE faces an unprecedented challenge and are aware that it will be judged by its action, not by its words. They are prepared to offer qualified people, the necessary resources, and their constant commitment to meet this challenge. This decision provides a clear mandate for action.

6. To this end, they authorize the Chairman-in-Office, the Secretary General under his direction, and other OSCE bodies and institutions to take all necessary steps to ensure effective and timely implementation of the OSCE's tasks. In this perspective, the Chairman-in-Office will represent the OSCE at the London Conference and other international meetings and conferences connected with the peace settlement. The OSCE will consult and co-operate as appropriate with the United Nations, the Council of Europe and other international organizations active in the field in fulfilling their tasks. In performing these tasks, the Chairman-in-Office will keep the Permanent Council fully informed on a regular basis and will consult with it as appropriate.

7. The Ministerial Council welcomes the opportunity offered by the Paris Conference for reflections on approaches towards ensuring lasting stability and good-neighbourly relations.

8. In anticipation of signature of the Peace Agreement in Paris, the Ministerial Council hereby decides to:

9. Establish a Mission to Bosnia and Herzegovina and pledge that adequate resources and personnel will be provided to carry out its tasks as requested by the Parties to the Agreement. The initial duration of the Mission will be one year unless the Permanent Council, upon a recommendation of the Chairman-in-Office, decides otherwise;

10. Call for the early appointment of a Head of this Mission by the Chairman-in-Office. Under the authority of the Chairman-in-Office, the Head of Mission will be responsible for implementing the OSCE's tasks in Bosnia and Herzegovina in the fields of elections, human rights monitoring, and facilitating the monitoring of arms control and confidence- and security-building arrangements;

11. Establish, as requested by the Parties in Article II.3 of Annex 3 of the Agreement the Provisional Electoral Commission, to be chaired by the Head of Mission, in accordance with all the provisions of Article III;

12. Pledge that, in accordance with the Agreement on Civilian Implementation of the Peace Settlement, the OSCE, and in particular the Chairman-in-Office and the Head of Mission, will co-ordinate closely with the High Representative towards the fulfilment of the latter's responsibilities for monitoring implementation of the peace settlement and for co-ordinating the activities of the civilian organizations and agencies in Bosnia and Herzegovina;

13. Authorize the Chairman-in-Office, upon the advice of the Head of Mission and following consultation with the High Representative, and after a substantial discussion, as appropriate, in the Permanent Council, to take the decisions required by Annex 3, Article I.2, regarding conditions for the elections, and Annex 3, Article II.4, regarding the date on which elections can be held;

14. Welcome the initiative of the Government of Sweden to host an informal International Expert Meeting in support of the implementation of Annex 3 on elections;

15. Accept the invitation extended to the OSCE to monitor closely the human rights situation in Bosnia and Herzegovina in accordance with the relevant Annexes of the Agreement;

16. Call for the early appointment of the Human Rights Ombudsman by the Chairman-in-Office;

17. Direct the Mission to co-operate closely with the Office of the Human Rights Ombudsman and the Human Rights Chamber in view of the OSCE's tasks of certifying the conditions for holding elections and providing assistance to the Parties in creating those conditions, and to monitor closely the human rights situation;

18. Agree that the present OSCE Mission in Sarajevo will, upon request, support also the Human Rights Ombudsman. It will be expanded and reorganized into a distinct section of the new Mission;

19. Invite the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights to contribute to the implementation of this decision in accordance with their mandates and experience;

20. Welcome the initiative of the Government of Germany to convene, in Bonn, a meeting to initiate the process of confidence- and security-building and arms control anticipated by the Agreement on Regional Stabilization which will be organized under the auspices of the OSCE in accordance with Articles II and IV of Annex 1-B;

21. Welcome the decision of the Chairman-in-Office to designate, at the earliest possible date, after appropriate consultations, including with the most concerned States, (a) Personal Representative(s) to assist the Parties in their respective negotiations under Articles II and IV and in the implementation and verification of resulting agreements, including verification of the holdings declarations called for in Article IV, as soon as the data are submitted;

22. Welcome the commitment of the Parties to the Agreement and the readiness of all other States in the region, to co-operate fully with the OSCE concerning negotiations for a regional arms control agreement, in accordance with the Peace Agreement. The Ministerial Council authorizes the Chairman-in-Office to designate, as anticipated by Article V of the Agreement, as soon as practicable, after appropriate consultations, including with the most concerned States, a Special Representative to help organize and conduct such negotiations under the auspices of the OSCE Forum for Security Co-operation, beginning with agreement on a precise mandate. Parameters to be developed in this mandate will take into account and respect existing arms control rights and obligations including limitations already undertaken on a multilateral basis by certain States in the region; and

23. Offer the full assistance of the OSCE in establishing a Commission for facilitating the resolution of any disputes that might arise in fully implementing the regional arms control agreement of the Parties.

24. The Council takes note of the cost estimate for the operation submitted by the Secretary General of approximately 245 million Austrian schillings for a twelve-month period. The Council directs the Permanent Council to agree before 15 January 1996 on a budget for the OSCE tasks requested by the Parties in the Peace Agreement to be funded according to established procedures. The Secretary General will assess the acceptability and value of contributions in kind. Before the budget is agreed, the Secretary General is authorized to engage the OSCE on urgent procurement orders and contracts concerning premises for the Mission up to 20% of the above-mentioned cost estimate. The Council determines that the OSCE will seek additional, including non-governmental, sources of funding and directs the establishment of a specific fund to assist in carrying out this decision. The Council welcomes the commitment of the Chairman-in-Office and the Secretary General to ensure that all OSCE action in fulfilment of the tasks in this decision is undertaken as efficiently and expeditiously as possible.

Annex III

DECISION ON A COMMON AND COMPREHENSIVE SECURITY MODEL FOR EUROPE FOR THE TWENTY-FIRST CENTURY: A NEW CONCEPT FOR A NEW CENTURY

(MC(5).DEC/2)

1. The Ministerial Council notes that, in accordance with the relevant Budapest Summit decision, a broad and comprehensive discussion has been launched on devising a concept of security for the whole OSCE region in the twenty-first century. The Council stresses the importance of the strict observance of all OSCE principles and commitments to ensure security in the century to come. The Council takes note of the progress report presented to it by the Chairman-in-Office and decides to move the work on a security model into a more operational phase, providing opportunities to continue the identification of particular security risks and challenges and examining how the OSCE principles, commitments and mechanisms should be implemented to deal most effectively with the diverse security concerns of participating States. To this end, it endorses follow-up work in preparation for the 1996 Lisbon Summit.

2. A key objective of this discussion is to apply fully the OSCE's unique capabilities and inclusive nature to the development of a common security space based on the OSCE's comprehensive and co-operative concept of security and its indivisibility. Within this space, free of dividing lines, all OSCE participating States and the organizations to which they belong will be able to work together in a constructive, complementary and mutually reinforcing way, building a genuine partnership, in full respect of the free will of their members. While doing so, they will respect the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve. Each participating State will respect the rights of all others in this regard. They will not strengthen their security at the expense of the security of other States. Within the OSCE, no State, organization or grouping can have any superior responsibility for maintaining peace and stability in the OSCE region, or regard any part of the OSCE region as its sphere of influence. The basis for our common efforts to design a model is the OSCE principles, including their co-equality, which, together with the high standards represented by our OSCE commitments, remain valid for both inter- and intra-State relationships.

3. The Ministerial Council decides that the work on a model should proceed in accordance with the following guidelines:

- to promote strict observance of OSCE principles and commitments, which is of paramount importance for stability and security in the OSCE region;

- to contribute to the further development of the OSCE and the effective use and strengthening of its operational capabilities;

- to promote co-operative approaches to security challenges and risks, bearing in mind the common commitment of the participating States to promote stability and security, to prevent conflicts, and to manage crises;

- to sustain the OSCE's comprehensive concept of security and its indivisibility in order to promote effective concerted responses to complex security challenges in a spirit of co-operation and solidarity in defence of the OSCE's common values;
- to further develop ways in which complementary and mutually reinforcing organizations work together, including through enhanced dialogue, in the common interests of security and stability in the OSCE area;

- to develop further the relationship between the OSCE and the United Nations on the basis of the OSCE's position as a regional arrangement under Chapter VIII of the United Nations Charter, and of the relevant provisions of the Budapest Document 1994; and

- to contribute to the transparent and democratic evolution of regional and transatlantic organizations with a view to strengthening confidence, security and stability in the OSCE region.

As work on a concept of security for the twenty-first century proceeds, additional guidelines may be introduced. Such work may benefit from continued contributions by other organizations.

4. In preparation for the Lisbon OSCE Summit, the Ministerial Council entrusts the Chairman-in-Office with the task of intensifying focused discussion on all aspects of a security model, including through a Security Model Committee, under the auspices of the Permanent Council, which can benefit from input from other OSCE fora. The Chairman-in-Office will organize the work, while maintaining its comprehensiveness, in a manner that is consistent with this decision and the attached annex, which is an integral part of the decision. As the work proceeds, specific new measures may be developed for the promotion of all dimensions of security in the OSCE region.

5. With the aim of ensuring a broad, inclusive approach to the work on a security model, the Ministerial Council

- requests the Chairman-in-Office to keep the issue of "a common and comprehensive security model for Europe for the twenty-first century" on the agenda of the Senior Council until the 1996 OSCE Lisbon Summit;

- requests the Chairman-in-Office to organize further seminars within the context of the work on a security model, the subjects of which will be agreed upon by the participating States; and

- encourages a wide-ranging discussion on a security model, with broad participation of government officials, non-governmental representatives, and academics.

6. The Council requests the Chairman-in-Office to keep the informal list of risks and challenges to security updated, and to encourage participating States to clarify further their perceptions of specific risks and challenges to their security.

7. Progress achieved and results available at that time will be presented by the Chairman-in-Office to the 1996 Lisbon Summit for consideration and assessment.

ANNEX

The Chairman-in-Office will organize the work in the following areas. These areas are indicative only and set no priorities:

- conflict prevention, including early warning and preventive diplomacy
- crisis management and post-conflict rehabilitation
- OSCE peacekeeping
- arms control, including confidence-building
- enhanced co-operation in preventing and combating terrorism
- human rights and fundamental freedoms, human contacts, democracy-building
- tolerance-building
- co-operation in preventing and combating aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and ethnic cleansing
- non-military confidence-building
- co-operation in the fields of migration, refugees and displaced persons
- economic security, including sustainable economic development, well-functioning market economy, and economic co-operation
- co-operation in solving environmental problems and managing disasters
- further development of the concept of complementary and mutually reinforcing institutions, including mechanisms for transparency, consultation and co-operation
- strengthening of the OSCE
- regional co-operation
- co-operation between the OSCE area and the Mediterranean region
- security co-operation beyond the OSCE area
- ...

Other topics may be agreed upon in the Security Model Committee.

As necessary, the Chairman-in-Office, after appropriate consultations, may set up not more than three informal subsidiary working bodies and, for each working body, appoint a co-ordinator.

Annex IV

DECISION ON THE OSCE MINSK PROCESS
(MC(5).DEC/3)

The Ministerial Council

- confirms that the OSCE Minsk Process remains the sole forum for the settlement of the Nagorno-Karabakh conflict;

- commends the determination of the Parties to the conflict to continue to observe the cease-fire established on 12 May 1994;

- urges the Parties to release immediately all POWs and persons detained in connection with the conflict and to provide the ICRC unimpeded access to all places of detention and all detainees;

- supports the efforts of the Co-Chairmen of the Minsk Conference to achieve, in co-ordination with the Chairman-in-Office, a political agreement on the cessation of the armed conflict without any further delay. The implementation of such an agreement will eliminate major consequences of the conflict for all parties and permit the early convening of the Minsk Conference. The signing of the agreement will enable the Permanent Council to take a decision on the establishment of the OSCE peacekeeping operation, based on the valuable recommendations of the High-Level Planning Group, the work of which should continue;

- welcomes the commitments expressed to establish direct contacts, in co-ordination with the Co-Chairmanship, to achieve agreement on the principles governing the resolution of the conflict, and strongly urges that this be done quickly; and

- takes note of the expressed readiness of the Parties to address crucial issues with a view to reaching a compromise as soon as possible.